



ENCINA WASTEWATER AUTHORITY

Attachment No.

A Public Agency

6200 Avenida Encinas
Carlsbad, CA 92009-1095
Telephone (760) 438-3941
FAX (760) 438-3861 (Plant)
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March 28, 2001

Ref: EC 01-0104

California Regional Water Quality Control Board, San Diego Region
Pretreatment Section
Suite A
9771 Clairemont Mesa Boulevard
San Diego, California 92124-1331

Attention: Mr. Don Perrin, Associate Water Resource Control Engineer

SUBJECT: Encina Wastewater Authority (EWA) Pretreatment Ordinance Modifications

Dear Mr. Perrin,

The Encina Wastewater Authority is transmitting herewith a clean copy of its revised Pretreatment Ordinance that was approved by the Board of Directors on March 28, 2001. The strike out version of the proposed ordinance along with a letter summarizing the revisions was transmitted to your offices for comment on January 4, 2001. (Ref: EC.00-0405) Subsequent to that, on February 5, 2001, a follow-up letter was sent to you, Ref: EC-01-0051, in which staff provided additional supporting information regarding replacement of the numeric limit for Total Dissolved Solids (TDS) with a narrative objective. Two new sections in the revised ordinance, Sections 2.1 B. (13) and Section Section 2.10, accomplish this objective.

Section 2.1 B (13), Prohibited Discharges, adds a prohibition on the discharge of pollutants that cause wastewater, biosolids or wastewater by-products to be unsuitable for beneficial reuse or reclamation.

Section 2.10 Limitations on Wastewater Discharge to Water Reclamation Plants (WRPs), limits the discharge of wastewater to reclamation facilities that may cause 1) a violation of the Waste Discharge Requirements of any reclamation facility within the EWA service area, or 2) any applicable Basin Plan water quality objective to be exceeded; unless by separate agreement of that Person with the affected reclaiming Member Agency(s).

These sections maintain the Control Authority's right to enforce against TDS but also provide a mechanism by which industry can choose to participate in the cost benefits of regional treatment under a separate contract agreement with the reclaiming Member Agency. EWA will continue to provide support to identify and control TDS sources by providing careful screening of new User applications and appropriate recommendations to the reclaiming Member Agencies involved.

Mr. Don Perrin

SUBJECT: Encina Wastewater Authority (EWA) Pretreatment Ordinance Modifications

March 28, 2001

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EC:01-0104.2

GAFNER WRP

The Leucadia County Water District (LCWD) is currently planning an upgrade to the Gafner WRP that includes demineralization equipment. Dudek and Associates, is working with the LCWD on the project and I have been informed that the design specifications for the RO equipment are 95% complete. In addition, Dudek has indicated that they are considering requesting a revision to the LCWD WDR for boron and TDS based upon updated basin plan objectives and the restricted distribution of reclaimed water to areas within the City of Carlsbad where the 1975 Basin Plan Groundwater Quality Objectives either do not apply or are 3,500 mg/L for TDS. They should be contacting Regional Board staff soon on these issues.

MEADOWLARK WRP

I have been advised by Kennedy/Jenks Engineers that the Vallecitos Water District (VWD) has completed the preliminary design phase for expansion of the Meadowlark WRP. The expansion is expected, among other things, to improve TDS compliance by reducing the need for chemical addition to meet coliform standards. They will be choosing an engineering firm to head the project within the month and anticipate beginning discussions with Regional Board staff about the project and related issues, including TDS, within the next three to four months. In 1997, the District conducted a TDS source investigation and concluded that TDS was not an industry related issue.

SHADOWRIDGE WRP

The City of Vista plans to discontinue tertiary treatment at the Shadowridge WRP this year, as it is no longer cost effective to produce reclaimed water due to the recent energy rate increases.

I hope that this additional information will be satisfactory to secure Regional Board approval of the modifications to EWA's Pretreatment Ordinance. Please contact me if you have additional questions or need additional information. I look forward to continuing to work with you on Pretreatment issues.

Very truly yours,



Nancy Anson
Director of Environmental Compliance

NMA:na

Enclosure



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PRETREATMENT ORDINANCE

FOR THE

**ENCINA WASTEWATER AUTHORITY
6200 AVENIDA ENCINAS
CARLSBAD, CALIFORNIA 92009**

(760) 438-3941

AMENDED MARCH 28, 2001

EFFECTIVE MAY 12, 2001

2001 MAR 30 PM 1:30
ENCINA WASTEWATER
AUTHORITY
CONTROL BOARD

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Attachment No. 3

January 4, 2001

Ref: EC 00-0405

California Regional Water Quality Control Board
San Diego Region
9771 Clairemont Mesa Boulevard, Suite B
San Diego, California 92124-1331

Attention: Mr. Daniel Phares, Water Resource Control Engineer

**SUBJECT: Encina Wastewater Authority (EWA)
Pretreatment Ordinance Revisions**

2001 JAN -5 P 1:54

ENCINA WASTEWATER
AUTHORITY
CONTROL BOARD

Dear Dan,

I am enclosing a strike out copy of EWA's revised Pretreatment Ordinance that will be before the Board of Directors on January 24, 2001 for their approval. I will attempt to summarize the substantive changes below for your review.

Beneficial Reuse – Water Reclamation

Several changes are being proposed that relate to EWA's continuing desire to promote and protect reclamation in as reasonable and justifiable a manner as possible. To that end staff is proposing the following changes.

- Section 2.1 B. (13) Prohibited Discharges adds a prohibition on the discharge of pollutants that cause wastewater, biosolids or wastewater by-products to be unsuitable for beneficial reuse or reclamation.

This prohibition is consistent with the purpose and policy of the existing Ordinance and generally applies to pollutants, not amenable to treatment, that would severely limit or prohibit the reuse of any wastewater treatment by-product.

- Section 2.10 Limitations on Wastewater Discharge to Reclamation Facilities limits the discharge of wastewater to reclamation facilities that may cause applicable Basin Plan water quality objectives to be exceeded unless by separate agreement of that Person with the affected reclaiming Member Agency(s).

This limitation provides for the establishment of Member Agency agreements with Persons discharging a quantity or quality of wastewater that requires unusual attention or expense to handle or will cause an unwarranted increase in the cost of facility operation and maintenance in order to render the wastewater suitable for reclamation. This limitation is consistent with the sewer use ordinances of EWA's service area reclaimers, namely, the City of Vista, the Leucadia County Water District and the Vallecitos Water District.

- Section 2.12 Local Discharge Limits (TDS) removes the numeric local limit for Total Dissolved Solids.

Local limits are generally derived using an EPA approved series of calculations that utilize effluent limits and site-specific treatment plant removal rates to back calculate pollutant allocations for domestic and industrial sources. EWA's NPDES permit for discharge to the Pacific Ocean does not contain a numeric effluent limit for TDS. Therefore, EWA's regulation of salt discharges based upon a local limit for TDS is not applicable nor is it likely to be legally defensible. Reclaiming Member Agencies may consider the development of a local limit for TDS that is specific to each reclamation facility. EWA staff is available to assist with the monitoring and enforcement of Member Agency local limits if requested.

Cost Recovery

The second area in which substantive changes are proposed deals with the collection of costs and deposits for specific elements of the pretreatment program.

- Section 6.4 B. Enforcement and Other Costs has been modified to exempt enforcement costs from the appeal process.

These costs are incurred by EWA and its Member Agencies for non-routine services e.g. investigations, contract services, expert analyses, legal fees, damage repairs, shutdown and start-up costs in conjunction with a User's violation of its permit or the Ordinance. EWA will provide the User with an accurate accounting of these costs upon the User's request.

- Section 3.12 D. Deposits provides for a deposit to recover the costs incurred to conduct an enforcement hearing or appeal, and for any non-routine costs incurred as a result of permitting a Special Use Discharge.

Section 3.13 F. of the existing ordinance provides for the establishment of an appeal fee. Staff proposes to require a deposit instead of a set fee. The deposit will vary in amount and be based upon the estimated cost associated with preparation for and services at the appeal or hearing. The amount will be determined on a case-by-case basis and be collected in advance of scheduling the appeal or hearing. Deposits may also be required to cover the non-routine

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costs associated with a Special Use Discharge. Any remaining deposited amount will be returned to the User upon the conclusion of the enforcement action or the termination of the discharge.

Enforcement

Several changes to the enforcement process are also being recommended.

- Section 6.5 A. Right to Enforcement Hearing has been modified to provide for a hearing when the fines imposed in an NOV issued by an Officer exceed \$750, or when the fines imposed in an NOV issued by the Director exceed \$1,000.

Under the terms of Section 6.5 of the Ordinance, a User may request an enforcement hearing regarding any notice of violation issued by EWA. The hearing procedure specified in the Ordinance is intended to address compound, continuing, and/or complex enforcement issues. Staff experienced several instances this past year of Users requesting formal hearings for discharge limit and reporting violations that were clearly indisputable and for which the fines imposed were less than the cost of conducting the hearing. Therefore, staff is proposing that the formal hearing process be limited to NOVs containing fines greater than the estimated cost of conducting a hearing. Staff will resolve less complex enforcement issues through an informal meeting process.

- Section 6.5 I. Administrative Enforcement Order has been modified to provide for a timelier conclusion of complex enforcement proceedings.

Staff believes that in order to avoid undue procedural delays, additional empowerment should be given to the hearing officer in the event a User does not comply with its post hearing enforcement order. To that end, Section 6.5 I. has been expanded to allow the hearing officer to revoke a permit or physically terminate service or take other action without another hearing or appeal for violations of certain conditions set forth in the User's enforcement order.

Miscellaneous:

- Section 2.1 B. (12) Prohibited Discharges adds a prohibition on the discharge of sludge generated by the pretreatment of wastewater.

During the past year, a User was found to be discharging pretreatment sludge to the Encina system. Although a reasonable Person might conclude that this activity is inconsistent with accepted pretreatment practices, the existing Ordinance does not specifically prohibit this activity. Adding this prohibition will facilitate staff's ability to enforce program objectives.



- Section 2.8 Limitations on Non-Contact Cooling Water limits the discharge of unpolluted water used for cooling purposes to 1000 gallons per day.

The terms Non-Contact Cooling Water and Unpolluted Industrial Water, i.e. water that does not come into direct contact with any source of Pollutants, are being used interchangeably in the existing and revised versions of the Ordinance. Staff believes that Non-Contact Cooling Water is more commonly recognized terminology that will clarify the intended applicability of the limitation.

The existing Ordinance prohibits the discharge of any amount of Unpolluted Industrial Water except under the authority of a Special Use Discharge Permit. Over the past year, EWA staff has identified a variety of businesses that discharge relatively small quantities of Non-Contact Cooling Water. Requiring each of them to obtain a Special Use Permit is labor intensive and is not a practical means of controlling this type of discharge. The revised Ordinance restricts the discharge of Non-Contact Cooling Water to a maximum of 1000 gallons per day which will place an upper limit on small volume discharges that approximates the break even point at which the User's cost for the installation of a recirculating system is offset by the savings realized from reductions in water usage. Large volume discharges will no longer be permitted through the Special Use process.

- Section 2.10 Limitations on the Use of Grinders adds a particle size performance measurement for the installation of mechanical grinders.

The 0.5-inch particle size specification is necessary to provide a construction standard that will ensure the proper operation of Encina Sewerage System treatment and conveyance equipment.

- Section 2.12 Local Discharge Limits (Arsenic) removes the numeric local limit for Arsenic.

Staff is proposing to eliminate the local limit for Arsenic based upon: 1) decreasing influent levels of Arsenic (the lowest level in the last twelve years occurred last year); 2) the results of four consecutive quarters of industrial data indicating that Arsenic, when present, is near or below detectable limits; and 3) a decline in Arsenic levels in EWA's biosolids to well below the current limit for land application. Removing the local limit for Arsenic will eliminate an unnecessary monitoring burden from the Authority and EWA's Users and will not adversely impact our ability to reuse biosolids.

Language and Organizational Revisions

Technical revisions throughout the Ordinance have corrected and clarified its interpretation and functionality.



Mr. Daniel Phares, Water Resource Control Engineer
Subject: Encina Wastewater Authority Pretreatment Ordinance Revisions
January 4, 2001

Page 5

EC.00-0405.5

The strike out version of the proposed revisions to the Ordinance is attached for your review. Staff welcomes any comments from the Regional Board prior to January 17, 2001 that will improve its correctness and functionality. Please feel free to contact me if you have any questions regarding this correspondence or the proposed changes.

Very truly yours,



Nancy Anson
Director of Environmental Compliance

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